



Appl. No. 11/478,749  
Response Dated January 14, 2008  
Reply to Office Action of December 12, 2007

PATENT  
Attorney Docket: 2884 (203-3592PCTUS)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT: Bruce Jankowski

EXAMINER: Gloria R. Weeks

SERIAL NO.: 10/540,197

GROUP: Art Unit 3721

FILED: June 20, 2005

DATED: January 14, 2008

FOR: **VACUUM ASSISTED SURGICAL STAPLER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Mail Stop: Amendment

**RESPONSE TO RESTRICTION REQUIREMENT**

Sir:

In response to the Restriction Requirement mailed December 12, 2007, wherein the Examiner required restriction between Group 1, Claims 1-5, drawn to a surgical stapling apparatus and resilient band vacuum system, Group II, Claims 6-12, drawn to a surgical stapling apparatus and vacuum chamber system, and Group III, Claims 13-18, drawn to a surgical stapling apparatus and vacuum anvil, Applicants hereby elect, without traverse, Group II, Claims 6-12.

Early and favorable consideration of the claims of the application are respectfully requested. Should the Examiner feel that a telephone or personal interview may facilitate

**CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 14, 2008.

Dated: January 14, 2008

Christopher G. Trainor  
Christopher G. Trainor

Appl. No. 11/478,749  
Response Dated January 14, 2008  
Reply to Office Action of December 12, 2007

resolution of any remaining matters, he is respectfully requested to contact Applicant's attorney at the number indicated below.

Respectfully submitted,

*Christopher G. Trainor*

CARTER, DELUCA, FARRELL  
& SCHMIDT, LLP  
445 Broad Hollow Road – suite 225  
Melville, New York 11747  
(631) 501-5700

Christopher G. Trainor  
Reg. No. 39,517  
Attorney for Applicant(s)

CGT:sf